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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,404	03/12/2004	Toshihiko Fukasawa	1232-4473US1	5974
27123	7590	11/02/2006	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			TRUONG, LAN DAI T	
			ART UNIT	PAPER NUMBER
			2152	

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/798,404	<b>Applicant(s)</b> FUKASAWA ET AL.	
	<b>Examiner</b> Lan-Dai Thi Truong	<b>Art Unit</b> 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 23-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>08/26/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Claim rejections-35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 23-24, 28-29 and 33-34 are rejected under 35 U.S.C 103(a) as being unpatentable over Nam et al. (U.S. 6,138,163) in view of Kihl et al. (U.S. 6,222,536)**

#### **Regarding to claim 23:**

Nam discloses the invention substantially as claimed, including an apparatus, which can be implemented in a computer hardware or software code for delivering video stream data from a server having an image sensing device to clients via Internet, comprising:

A connection management device adapted to make a connection with the server having the image sensing device via Internet, to get the video stream data from the server having the image sensing device, and to deliver video stream data to a first client in response to a request from the first client via Internet: Nam discloses "HTTP mediate server/ or HTTP relay server" which is equivalent to "A connection management device" implements to function as a proxy for

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communications between “user browsers” which is equivalent to “clients” and the video servers.

The relay server sends real-time video data stream to user browsers in response to received requests from users browsers: (figure 1; figure 3; column 3, lines 27-41; column 4, lines 7-67)

Delivering the video stream data to a second client different from the first client: Nam discloses the relay server delivers video data received from video server to plurality of users: (figure 1; column 3, lines 7-42)

However, Nam does not explicitly discloses a memory control device adapted to store the data from the server in a buffer memory, and delivering the stored data to the first client

In analogous art, Kihl discloses a relay server includes memory for storing data received from banks. The relay server then delivers stored data to subscriber terminals: (figures 1 and 2; abstract)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Kihl’s ideas of using a relay server as intermediary agent for storing data received from banks, then delivering stored data to subscribers with Nam’s system in order to provide an efficient online communication system, see (column 1, lines 8-12)

**Regarding to claims 28 and 33:**

Those claims are rejected under rationale of claim 23

**Regarding to claims 24, 29 and 34:**

In addition to rejection in claim 23, 28 and 33, Nam – Kihl further discloses HTTP: Nam discloses the mediate server is relay server supported by HTTP: (column 3, lines 27-40)

**Claims 25, 30 and 35 are rejected under 35 U.S.C 103(a) as being un-patentable over Nam- Kihl in view of Segur (U.S. 6,212,550)**

**Regarding to claims 25, 30 and 35:**

Nam- Kihl discloses the invention substantially as disclosed in claims 23, 28 and 33, but does not explicitly teach converting video data stream

In analogous art, Segur discloses method for converting video data stream into another format compatible for communications: (abstract; figure 1)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Segur's ideas of converting data from one format into another format with Nam- Kihl's system in order to provide a convenient communication system for Internet users such as the Internet users can be able to share relevant information via using different communication platforms, see (column 3, lines 66-67; column 4, lines 1-9)

**Claims 26-27, 31-32 and 36-37 are rejected under 35 U.S.C 103(a) as being un-patentable over Nam- Kihl in view of Gupta (U.S. 6,212,565)**

**Regarding to claims 26, 31 and 36:**

Nam- Kihl discloses the invention substantially as disclosed in claims 23, 28 and 33, but does not explicitly teach communication without starting a new connection

In analogous art, Gupta discloses method for communications between network client, server and proxy without having to establish a new connection: (column 2, lines 1-10)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Gupta's ideas of starting a new communication without having

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to establish a new connection with Nam- Kihl's system in order to provide an efficient communication network such as reducing network loads

**Regarding to claims 27, 32 and 37:**

Those claims are rejected under rationale of claims 26, 31 and 36

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "relay apparatus and system and method, and storage medium": 5519640; 6002753; 6003077; 5724355; 5748894; 6023698; 5479472

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

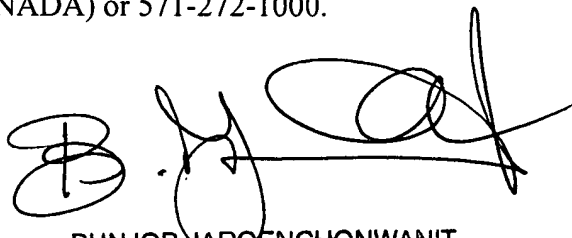
### Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan-Dai Thi Truong whose telephone number is 571-272-7959. The examiner can normally be reached on Monday- Friday from 8:30am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob A. Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

10/27/2006



BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER